

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x
:

UNITED STATES OF AMERICA

- v. -

ANTHONY R. MURGIO,

Defendant.

- - - - - x

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: OCT 20 2017

: CONSENT PRELIMINARY ORDER
OF FORFEITURE/
: MONEY JUDGMENT

: S6 15 Cr. 769 (AJN)

WHEREAS, on or about December 22, 2016, ANTHONY R. MURGIO, (the "defendant"), among others, was charged in ten counts of an eleven-count Superseding Indictment, S6 15 Cr. 769 (AJN) (the "Indictment"), with conspiracy to operate an unlicensed money transmitting business that is operated without an appropriate state money transmitting license, fails to comply with federal money transmitting business registration requirements, and otherwise involves the transportation or transmission of funds that are know to the defendant to have been derived from a criminal offense or are intended to be used to promote or support unlawful activity, in violation of Title 18, United States Code, Section 371 (Count One); operation of an unlicensed money transmitting business, in violation of Title 18, United States Code, Sections 1960 and 2 (Count Two); conspiracy to make corrupt payments with intent to influence an officer of a financial institution, to receive corrupt payments with intent to influence an office of a financial institution, to obstruct an examination of a financial

institution, and to make false statements, in violation of Title 18, United States Code, Section 371 (Count Three); making corrupt payments with intent to influence an officer of a financial institution, in violation of Title 18, United States Code, Sections 215(a)(1) and 2 (Count Four); conspiracy to commit wire fraud and bank fraud, in violation of Title 18, United States Code, Section 1349 (Count Six); wire fraud, in violation of Title 18, United States Code, Sections 1343, 1349, and 2 (Count Seven), bank fraud, in violation of Title 18, United States Code, Sections 1344, 1349 and 2 (Count Eight), conspiracy to commit money laundering, in violation of Title 18, United States Code, Section 1956(h) (Count Nine); money laundering, in violation of Title 18, United States Code, Sections 1956(a)(2)(A) and 2 (Count Ten); and aggravated identity theft, in violation of Title 18, United States Code, Sections 1028A(a)(1), 1028A(b), 1028A(c)(5), and 2 (Count Eleven);

WHEREAS, the Indictment included, among other forfeiture allegations, forfeiture allegations as to Counts One, Three, and Six of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, of any property, real or personal, which constitutes or is derived from proceeds traceable to the offenses charged in Counts One, Three, and Six of the Indictment;

WHEREAS, on or about January 9, 2017, the defendant pled guilty to Counts One, Three, and Six of the Indictment, pursuant to a plea agreement with the Government, wherein the defendant admitted the forfeiture allegation with respect to Counts One and Six of the Indictment and agreed to forfeit a sum of money representing all property, real or personal, which constitutes or is derived from proceeds traceable to the offenses alleged in Counts One and Six of the Indictment; and

WHEREAS, the defendant consents to the entry of a money judgment in the amount of \$203,499.24 in United States currency representing the amount of proceeds traceable to the commission of the offenses charged in Counts One and Six of the Indictment;

WHEREAS, the defendant further consents to the forfeiture of all his right, title, and interest any and all United States currency, funds, or other monetary instruments on deposit at Regions Bank, Account Number 0206110541, held in the name of COLLECTABLES CLUB (the "Specific Property");

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Joon H. Kim, Acting United States Attorney, Assistant United States Attorneys Eun Young Choi, Daniel S. Noble, and Won S. Shin, of counsel, and the

defendant, and his attorneys, Robert A. Soloway, Esq. and Brian E. Klein, Esq. that:

1. As a result of the offenses charged in Counts One and Six of the Indictment, to which the defendant pled guilty, a money judgment in the amount of \$203,499.24 in United States currency (the "Money Judgment") shall be entered against the defendant.

2. As a result of the offenses alleged in Counts One and Six of the Indictment to which the defendant pled guilty, all of the defendant's right, title, and interest in the Specific Property is hereby forfeited and vested in the United States of America, and shall be disposed of according to law.

3. The United States Marshals Service (or its designee) is authorized to take possession of Specific Property and to hold such property in its secure custody and control.

4. Pursuant to Rule G(4)(a) of the Supplemental Rules for Certain Admiralty and Maritime Claims and Asset Forfeiture Actions, the United States is permitted to publish forfeiture notices on the government internet site, www.forfeiture.gov. This site incorporates the forfeiture notices that have been traditionally published in newspapers. The United States forthwith shall publish the internet ad for at least thirty (30) consecutive days. Any person, other than the defendant, claiming interest in

the Specific Property must file a Petition within sixty (60) days from the first day of publication of the Notice on this official government internet web site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier, pursuant to Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

5. The published notice of forfeiture shall state that the petition (i) shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Specific Property, (ii) shall be signed by the petitioner under penalty of perjury, and (iii) shall set forth the nature and extent of the petitioner's right, title or interest in the Specific Property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the Specific Property, any additional facts supporting the petitioner's claim, and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

6. Pursuant to 32.2 (b)(6)(A) of the Federal Rules of Criminal Procedure, the Government shall send notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

7. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Specific Property pursuant to Title 21, United States Code,

Section 853(n) and Title 18, United States Code, Section 982(b)(1), in which all interests will be addressed.

8. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

9. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the defendant, ANTHONY R. MURGIO, and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

10. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the "United States Marshals Service", and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the defendant's name and case number.

11. Upon execution of this Consent Preliminary Order of Forfeiture/Money Judgment, and pursuant to Title 21, United States

Code, Section 853, the United States Marshals Service, shall be authorized to deposit the payments on the Money Judgment in the Asset Forfeiture Fund, and the United States shall have clear title to such forfeited property.

12. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.


13. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

14. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Alexander Wilson, Chief of the Money Laundering and Asset Forfeiture Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

15. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.


AGREED AND CONSENTED TO:


JOON H. KIM
Acting United States Attorney for the
Southern District of New York

By:  10/20/17
EUN YOUNG CHOI/DANIEL S. NOBLE/WON S. SHIN DATE
Assistant United States Attorneys
One St. Andrew's Plaza
New York, NY 10007
(212)637-2187/2239/2226

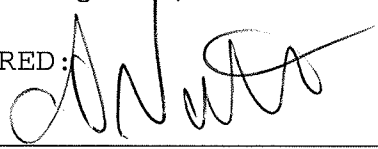
ANTHONY R. MURGIO

By:  10/20/17
ANTHONY R. MURGIO DATE

By:  10/20/17
ROBERT A. SOLOWAY, ESQ. DATE
Attorney for Defendant
Rothman, Schneider, Soloway & Stern LLP
100 Lafayette Street, Suite 501
New York, NY 10013

By:  10/20/17
BRIAN KLEIN DATE
Attorney for Defendant
Baker Marquart LLP
2029 Century Park East, Suite 1600
Los Angeles, CA 90067

SO ORDERED:

 10/20/17
HONORABLE ALISON J. NATHAN DATE
UNITED STATES DISTRICT JUDGE